

The Frank Snepp case: new cover-up conspiracy?

AMID a less than inspirational interlude of journalistic combat the memoirs of H. R. Haldeman have been widely previewed and any American titillated by them is free to purchase the full text at his local bookstore. In a time not too distant Richard Nixon's version of his presidency will be unveiled.

But as the dubious stars of the Nixon era battle for emolument and loot in the literary market, one former government official whose story covers a very special, tragic area of experience has become a major target of the government censors.

He is Frank W. Snepp, whose book "Decent Interval" (recently serialized in this newspaper) is based on his role as a senior CIA analyst on Vietnam. It is a melancholy, documented critique of the blunders and blindness of high Ford Administration officials during the closing stages of the Vietnam debacle—and especially in the bungled, callous evacuation of Americans and our vulnerable Vietnamese allies during Saigon's last days.

It is not a story from which Americans can derive any pride. Neither, however, does it contain anything remotely as explosive as Haldeman's assertion—admittedly couched in language of surmise—that the Soviets sought to enlist U. S. support for an attack on Chinese atomic installations.

Nevertheless the Carter Administration has selected Snepp a target for a suit that would deprive him of any profits from his book, impose separate money damages on him and enjoin him from further speaking or writing.

The move has been described by the American Civil Liberties



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Union "as the most sweeping attempt to date by the executive branch to interfere with the right of former government officials to publish accounts of their government service." It added:

"The complaint against Mr. Snepp alleges that he broke his contract by failing to clear his manuscript with the CIA. The government does not allege that Mr. Snepp's disclose any classified information. Thus the government's claim of the right of censorship goes far beyond the Marchetti-Marks and the Pentagon Papers cases in which the government attempted to prevent publication of allegedly classified information, and represents an attempt to censor all information.

"If the government is successful in this case, the threat of financial ruin and injunction against speaking and writing would chill the participation of former officials in debate on public issues."

The ACLU argued that "this case makes a mockery" of President Carter's recent expression of encouragement to those who dare to blow the whistle on misconduct and misjudgment in high government places.

It may be said that the ACLU statement touches too lightly on a genuinely troublesome question

involved in the Snepp saga. CIA employees sign a "security oath" when they join the agency; in effect it commits them to avoid all disclosure of their adventures without prior clearance by the agency.

After Snepp undertook his book, he met with CIA chief Adm. Stansfield Turner, pledged to abide by the oath of pre-publication submission and was thereupon granted access to some unclassified documents.

He has subsequently said he gave that commitment to escape the possibility of CIA pressure to suppress the book—an apprehension justified by earlier CIA exercises in suppression.

The ACLU contends that the CIA contract, amounting to a vow of perpetual silence unless speech is officially authorized, "clearly violates Mr. Snepp's First Amendment rights."

Presumably Random House, in sponsoring the book's preparation and issuance, essentially embraced that rationale for deceit. As Robert L. Bernstein, the firm's president and chairman, said when the controversy erupted, "once he [Snepp] made the decision that it should be published, we agreed it should be published, as it was a responsible and lawful work."

As a journalist I confess unease about Snepp's procedure. I would be more comfortable if he had refrained from any conversation with Turner and assumed the hazards of violating a contract whose constitutional legitimacy he was prepared to challenge. But retroactive coun-

sel and wisdom is a luxury afforded columnists.

Abundant precedent justified Snepp's belief that his work might be sabotaged if he had been faithful to the CIA's rules. Moreover, the ACLU has pointed out, there is no claim that his transgression involved the disclosure of classified material or bared any super-secrets that could imperil the intelligence structure.

What it did unfold was a tragic, climactic aspect of a disastrous war that will no doubt be explored in self-serving tones in the forthcoming works of Messrs. Nixon, Kissinger and who knows how many others.

Whatever private vexation Adm. Turner may feel, the Administration's decision to unleash its massive legal attack on Snepp is another grotesque distortion of priorities. As suggested in an earlier column, it is especially graceless in the light of the generous plea-bargaining that spared former CIA head Richard Helms any serious reprisal for lying to a Congressional committee.

The underlying question is how the past and potential abuses of power of the CIA—so widely lamented by public men—can be effectively checked if the "contract" becomes a conspiracy of coverup.

Who will ever blow the whistle against future CIA folly if Snepp loses this battle? And why has Washington chosen to mount this all-out war against him in an Administration avowedly dedicated to "open government"?

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